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United States District Court

for

Southern District of Ohio

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Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: **Bryan Raymond Mosely** Case Number: **1:01CR00033**

Name of Sentencing Judicial Officer: **The Honorable Sandra S. Beckwith,
Chief United States District Judge**

Date of Original Sentence: **September 19, 2001**

Original Offense: **Bank Fraud, in violation of 18 U.S.C. § 1344**

Original Sentence: **12 month(s) prison, 60 month(s) supervised release**

Type of Supervision: **Supervised Release** Date Supervision Commenced: **May 24, 2002**

Assistant U.S. Attorney: **Unassigned** Defense Attorney: **Herbert Haas, Esq.**

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue an Order to Appear and Show Cause
☐ To grant an exception to revocation without a hearing.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
(1) New Law Violation	On February 7, 2006, the Grand Jury for the Highland County, Ohio Court of Common Pleas returned a Two Count Indictment charging the offender with Theft By Deception (4 th Degree Felony) and Forgery (4 th Degree Felony) in case number 06CR056. It is alleged that on June 7, 2005, the offender fraudulently uttered a check in the amount of \$23,169.50.
"While on Supervised Release you shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance"	
(2) Condition 7:	The offender resided at a residence in Bethel, Ohio between December 2005 and January 31, 2006. He did not inform his probation officer of this change of residence.
"The defendant shall notify the probation officer within 72 hours of any change in residence or employment."	
(3) Special Condition:	The offender entered the Talbert House in Cincinnati, Ohio on January 31, 2006. He was unsuccessfully terminated from the program on March 28, 2006.
"The supervised releasee shall reside in a halfway house facility in the work release component for a period of 90 days"	

(4) Special Condition:

"The defendant shall pay restitution of \$20,037.38 through the Bureau of Prisons inmate financial responsibility program and thereafter according to installment plan developed by the defendant and the probation officer."

The offender entered into a payment agreement with his probation officer on July 30, 2002, in which he agreed to pay \$250.00 per month toward his court ordered financial obligations. The offender's last payment was received January 16, 2003 in the amount of \$50.00. He has paid a total of \$225.00 and has a remaining balance of \$19,812.38.

U.S. Probation Officer Recommendation: On September 19, 2001, the offender was sentenced to 12 months imprisonment to be followed by 60 months of supervised release after being convicted of Bank Fraud, in violation of 18 U.S.C. 1344. He was released from imprisonment on May 24, 2002 and commenced his term of supervision with the United States Probation Office in Cincinnati, Ohio.

On August 1, 2005, this officer notified the Court that it was believed the offender fraudulently obtained three Lexus automobiles with a total value of \$189,000.00 and that he had traveled to Covington, Kentucky in May 2005 without permission. The Court adopted this officer's recommendation of no action pending further investigation. On January 10, 2006, this officer submitted a second report to the Court indicating the automobiles had been returned to the dealership and the local prosecutor declined prosecution because the vehicles were returned with minimal financial loss. This officer also informed the Court that the offender attempted to purchase a \$730,000.00 home and a \$118,000.00 boat in Tennessee in July 2005. These sales did not go through and no charges were filed. The offender met with this officer in the presence of his attorney on November 9, 2005 and the offender admitted he had been out of the Southern District of Ohio on several occasions without permission. He declined to elaborate further regarding the purchase of the automobiles, home, and boat. On July 21, 2005, this officer was notified by a detective from the Montgomery County, Ohio Sheriff's Office that a complaint had been filed against the offender alleging he had fraudulently cashed a check in the amount of \$20,000.00. At the time of this officer's previous report, the charge was under investigation and this officer indicated he would inform the Court of further developments. This officer concluded the report by recommending the Court impose a special condition upon the offender requiring him to complete 90 days in a halfway house facility. The offender agreed to the modification and the Court adopted the modification on January 18, 2006. The offender was placed in the Talbert House facility in Cincinnati, Ohio on January 31, 2006.

On March 22, 2006, this officer received information from an officer with the Bethel, Ohio Police Department indicating he witnessed the offender in Bethel, Ohio after the officer had been called to a local residence to investigate a report that the offender was creating a disturbance at the home. The officer also indicated an identity fraud complaint had been filed alleging the offender had misused an individual's social security number. This complaint is currently under investigation.

On March 27, 2006, this officer spoke with a detective with the Highland County, Ohio Sheriff's Office and learned there was a warrant issued for the offender's arrest regarding the aforementioned fraudulent check investigation which was pending during the time of this officer's last report to the Court. Apparently a complaint had been filed in Highland County as well as Montgomery County. This officer contacted the Highland County, Ohio Common Pleas Court and learned the offender was indicted on February 7, 2006 and charged with Theft by Deception and Forgery, both 4th Degree Felonies, in case number 06CR056. It is alleged he fraudulently uttered a forged check belonging to another in the amount of \$23,169.50.

This officer contacted the director of the Talbert House on March 27, 2006 and reported the offender had been seen by a police officer in Bethel, Ohio on February 9, 2006. The offender had signed out for work during the time period in question. The offender's job site is in Mason, Ohio. The director of the Talbert House called this officer later that day and indicated she had discussed the situation with the Community Corrections Manager with the Bureau of Prisons and they made the decision to terminate the offender from the halfway house effective the morning of March 28, 2006. On March 28, 2006 this officer learned that the Cincinnati,

Ohio Police Department arrested the offender at the Talbert House on March 27, 2006 at 6:24 PM on the Highland County warrant. The offender was released on bond on March 29, 2006 and he is scheduled for arraignment in Highland County on March 30, 2006.

It is also noted that this officer received a phone call from an individual who alleged the offender improperly gained access to her cellular telephone account by claiming to be her husband. She stated he had two cellular telephones activated for his use without her permission. She also indicated she had been involved in a romantic relationship with the offender and he had resided at her residence in Bethel, Ohio from December 2005 until being placed at the Talbert House on January 31, 2006. The offender had not reported this change of residence to his Probation Officer. The offender advised this officer that he continued to live in a home owned by his parents on West Prospect Road in Hillsboro, Ohio.

The offender was placed in a halfway house facility on January 31, 2006 by the Court after he admitted to traveling outside the Southern District of Ohio without permission. The offender was unsuccessfully terminated from the facility on March 28, 2006 for violating the rules by engaging in unauthorized travel. The offender was arrested on March 27, 2006 as a result of an indictment for Theft and Forgery in Highland County, Ohio. The offender has failed to comply with the terms of his supervision despite being placed in a restrictive community confinement program as an intermediate sanction. It is believed he has engaged in further felonious behavior. Based upon the offender's lack of compliance and his risk to the public, it is respectfully requested that Court issue a warrant for the offender's arrest so that he may be brought before the Court to answer why his supervision should not be revoked.

The term of supervision should be

- ☒ Revoked.
☐ Extended for years, for a total term of years.
☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that
the foregoing is true and correct.

Approved,

Executed on March 29, 2006

by



Thomas Barbeau
U.S. Probation Officer


John Cole

Supervising U.S. Probation Officer

Date: March 29, 2006

THE COURT ORDERS:

- ☐ No Action
☒ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his arrest.
☐ The Issuance of an Order to Appear and Show Cause
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
☐ Other


Signature of Judicial Officer

3/30/06
Date
